

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Currently amended) A method for protecting consumer personal data, the method comprising:

receiving an application for a payment instrument, wherein the application comprises personal data and a privacy preference of a consumer;

saving the application in electronic form in a database; and

storing at least some of the personal data and the privacy preference onto the payment instrument, wherein the payment instrument further includes consumer account information necessary to tie a debit or credit payment transaction to a consumer account.

2. (Original) A method as in claim 1, wherein the payment instrument comprises a credit or debit card having a magnetic stripe, and wherein at least some of the personal data and the privacy preference are electronically stored on the magnetic stripe.

3. (Original) A method as in claim 1, wherein the payment instrument comprises a check, and wherein the privacy preference is printed onto the check.

4. (Original) A method as in claim 1, wherein the payment instrument comprises a credit or debit card with a processor and electronic memory, and wherein the personal data and the privacy preference are electronically stored in the memory.

5. (Original) A method as in claim 1, further comprising reading the personal data and the privacy preference at a merchant location when the consumer is making a purchase using the payment instrument, and saving the personal data and the privacy preference at a merchant storage location.

6. (Original) A method as in claim 5, further comprising mailing marketing material to the consumer only if permitted by the consumer's privacy preference.

7. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer would like to receive marketing material only from merchants that the consumer does business with.

8. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer would like to receive marketing material only from merchants that the consumer does business with and their affiliates.

9. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer would like to receive marketing material only from the bank that the consumer does business with.

10. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer does not want any marketing material.

Claims 11–12 (Canceled).

13. (Currently amended) A method for protecting consumer personal data, the method comprising:

providing the consumer with a payment instrument having stored thereon a privacy preference, wherein the payment instrument further includes consumer account information necessary to tie a debit or credit payment transaction to a consumer account;

reading the privacy preference and the consumer account information from the payment instrument when making a purchase at a merchant location, wherein the consumer account information is read to provide payment to a merchant;

saving the privacy preference in a merchant database; and

contacting the consumer only in accordance with the privacy preference.

14. (Original) A method as in claim 13, wherein the payment instrument comprises a credit or debit card having a magnetic stripe, and wherein at least some of the personal data and the privacy preference are electronically stored on the magnetic stripe.

15. (Original) A method as in claim 13, wherein the payment instrument comprises a check, and wherein the privacy preference is printed onto the check.

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16. (Original) A method as in claim 13, wherein the payment instrument comprises a credit or debit card with a processor and electronic memory, and wherein the personal data and the privacy preference are electronically stored in the memory.

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